

Patrick Morrissey

From: Troy Radunsky <tradunsky@devoreradunsky.com>
Sent: Friday, December 15, 2023 4:32 PM
To: Patrick Morrissey
Cc: Thomas Morrissey; Jason DeVore; Zachary Stillman
Subject: Re: Westmoreland v. Dart, 23-cv-1851| Defendants Cook Co and Darts Answers to Plaintiff's First Request to Admit

Ok we will call you then at the office.

Have a pleasant weekend.

Troy S. Radunsky
DeVore Radunsky LLC
230 W. Monroe, Suite 230
Chicago, Illinois 60606
O: 312-300-4479 | **D:** 312-300-4484 | **C:** 312-968-7837
tradunsky@devoreradunsky.com
www.devoreradunsky.com
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On Dec 15, 2023, at 4:22 PM, Patrick Morrissey <pwm@morrisseylawchicago.com> wrote:

Sure, I can be available at 2 on Monday. Thanks.

From: Troy Radunsky <tradunsky@devoreradunsky.com>
Sent: Friday, December 15, 2023 4:17 PM
To: Patrick Morrissey <pwm@morrisseylawchicago.com>
Cc: Thomas Morrissey <tgm@morrisseylawchicago.com>; Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: Re: Westmoreland v. Dart, 23-cv-1851| Defendants Cook Co and Darts Answers to Plaintiff's First Request to Admit

We can chat Monday at 2:00.

Troy S. Radunsky
DeVore Radunsky LLC

230 W. Monroe, Suite 230
Chicago, Illinois 60606
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On Dec 15, 2023, at 4:08 PM, Troy Radunsky <tradunsky@devoreradunsky.com> wrote:

Pat,

That's exactly right. In his deposition when you asked him about these exact same issues, and he said he did not take measurements, nor was aware of anyone else who did. He said he was waiting for our retained experts to do it, just like you had your expert measure. I understand you want us to adopt your theories, and facts but that is not what the rule requires right now. I think that Cooks response in numbers 10–11 are sufficient and comport with the federal rules.

Perhaps, if you ask this question next summer, we will have a more definite answer, but for now we don't.

We can participate in a meet and confer, but our position is what it is.

Troy S. Radunsky
DeVore Radunsky LLC
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Chicago, Illinois 60606
O: 312-300-4479 | D:312-300-4484 | C: 312-968-7837
tradunsky@devoreradunsky.com
www.devoreradunsky.com
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On Dec 15, 2023, at 3:58 PM, Patrick Morrissey
<pwm@morrisseylawchicago.com> wrote:

Troy:

The “east tunnel” has a landing. This landing, per to ADA, “shall be 60 inches long minimum.” We appreciate Cook County’s response acknowledging the ADA requires this element *and* that the architectural drawing shows the “east tunnel” has an intermediate landing of 60 inches long. See Response to Admission Pars. 6-9.

We have an issue with Cook County’s response to paragraphs 10-11. These requests seek a response to a simple fact, the length of the landing. I do not understand how Cook County is unable to admit or deny a simple factual element (perhaps a driving factual question) regarding the length of the landing.

We, of course, measured this landing on August 14, 2023 with Mr. Gary Keclik. His measurement, shared with your office several months ago, states the landing is “approximately 38 inches.” This measurement is attached.

Please provide a time on Monday when you are available to hold a conferral regarding the response to paragraphs 10-11 of Cook County’s response to admissions. Rule 36 provides a “party may assert lack of knowledge or information as a reason for failing to admit only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.” Rule 36(a)(4). I do not understand how citing Mr. Davis’s deposition constitutes a “reasonable inquiry.” Pages 42 and 46 of Mr. Davis’s deposition confirms he “didn’t take any measurements” of the landing when he navigated the ramp prior to the deposition.

I appreciate your help addressing this issue. I hope you have a nice weekend.

Pat

From: Troy Radunsky <tradunsky@devoreradunsky.com>
Sent: Friday, December 15, 2023 10:27 AM
To: Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>; Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart, 23-cv-1851 | Defendants Cook Co and Darts Answers to Plaintiff's First Request to Admit

Tom,

We are tied up in meetings this morning and I have a doctor appointment this afternoon. I would be able to meet Monday afternoon but I don't feel it will be productive. We disagree with your assessment and feel the responses are consistent with the federal rules. Can you please put your concerns in writing before we meet. Im actually surprised you sent these RTA after deposing Davis and asking the exact same questions, but that may be the subject of motion practice.

Thanks,

Troy S. Radunsky
DeVore Radunsky LLC
230 W. Monroe, Suite 230
Chicago, Illinois 60606
O: 312-300-4479 | **D:** 312-300-4484 | **C:** 312-968-7837
tradunsky@devoreradunsky.com
www.devoreradunsky.com
Recognized by SuperLawyers
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From: Thomas Morrissey <tgm@morrisseylawchicago.com>
Sent: Friday, December 15, 2023 10:22 AM
To: Troy Radunsky <tradunsky@devoreradunsky.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>; Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart, 23-cv-1851 | Defendants Cook Co and Darts Answers to Plaintiff's First Request to Admit

Troy:

I have reviewed the amendments the defendants made this morning to the admissions. Please provide a time today to discuss the admissions which are not responsive.

Tom

--

Thomas G. Morrissey
Thomas G. Morrissey, Ltd.
10257 S. Western Ave.
Chicago, IL 60643
773-233-7900
tgm@morrisseylawchicago.com
<http://morrisseylawchicago.com>

From: Troy Radunsky <tradunsky@devoreradunsky.com>
Sent: Friday, December 15, 2023 9:30 AM
To: Thomas Morrissey <tgm@morrisseylawchicago.com>
Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>; Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>
Subject: RE: Westmoreland v. Dart, 23-cv-1851 | Defendants Cook Co and Darts Answers to Plaintiff's First Request to Admit

Counsel,

See attached:

1. **Cook Co Sheriff Thomas Darts Amended Answer to Plaintiffs Request to Admit #9**
2. **Cook County's Supplemental Answers to Plaintiffs Request to Admit #3-4, 10-11, 13-14**

We also noticed in the Cook County response we sent yesterday, we inadvertently had a scrivener's error in our preamble. It should have said "Cook County" and not "Sheriff Dart's" responses. Im confident you figured out what we meant since Davis filed an affidavit, but I just wanted to be clear.

Thanks,

Troy S. Radunsky
DeVore Radunsky LLC
230 W. Monroe, Suite 230
Chicago, Illinois 60606

O: 312-300-4479 | **D:**312-300-4484 | **C:** 312-968-7837

tradunsky@devoreradunsky.com

www.devoreradunsky.com

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From: Troy Radunsky

Sent: Thursday, December 14, 2023 6:10 PM

To: Thomas Morrissey <tgm@morrisseylawchicago.com>

Cc: Patrick Morrissey <pwm@morrisseylawchicago.com>; Jason DeVore <jdevore@devoreradunsky.com>; Zachary Stillman <zstillman@devoreradunsky.com>

Subject: Re: Westmoreland v. Dart, 23-cv-1851 | Defendants Cook Co and Darts Answers to Plaintiff's First Request to Admit

Tom,

We disagree. I'm not sure what there is to discuss. We stand on those answers and responded appropriately under the rules. If you have anything to add, please reduce it to writing, and we will respond. Otherwise, we don't see how the need to discuss anything right now.

Also, please include my partner, Jason DeVore, and associate Zach Stillman, on all correspondence since you know, they have appearances filed in this case. We are certain that neither of you would like it if we did not include the other.

Troy S. Radunsky

DeVore Radunsky LLC

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Chicago, Illinois 60606

O: 312-300-4479 | **D:**312-300-4484 | **C:** 312-968-7837

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On Dec 14, 2023, at 6:04 PM, Thomas Morrissey
<tgm@morrisseylawchicago.com> wrote:

The failure to respond to the admissions regarding the
landing.

Tom

--

Thomas G. Morrissey
Thomas G. Morrissey, Ltd.
10257 S. Western Ave.
Chicago, IL 60643
773-233-7900
tgm@morrisseylawchicago.com
<http://morrisseylawchicago.com>

From: Troy Radunsky
<tradunsky@devoreradunsky.com>
Sent: Thursday, December 14, 2023 6:03 PM
To: Thomas Morrissey
<tgm@morrisseylawchicago.com>
Cc: Patrick Morrissey
<pwm@morrisseylawchicago.com>; Jason DeVore
<jdevore@devoreradunsky.com>; Zachary Stillman
<zstillman@devoreradunsky.com>
Subject: Re: Westmoreland v. Dart, 23-cv-1851 |
Defendants Cook Co and Darts Answers to Plaintiff's
First Request to Admit

A time for what?

Troy S. Radunsky
DeVore Radunsky LLC
230 W. Monroe, Suite 230
Chicago, Illinois 60606
O: 312-300-4479 | **D:** 312-300-4484 | **C:** 312-968-7837
tradunsky@devoreradunsky.com
www.devoreradunsky.com
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On Dec 14, 2023, at 6:01 PM, Thomas Morrissey

<tgm@morrisseylawchicago.com>

wrote:

Troy:

Please provide a time tomorrow regarding defendants' responses to the admissions.

Tom

--

Thomas G. Morrissey
Thomas G. Morrissey, Ltd.
10257 S. Western Ave.
Chicago, IL 60643
773-233-7900

tgm@morrisseylawchicago.com
<http://morrisseylawchicago.com>

From: Troy Radunsky
<tradunsky@devoreradunsky.com>

Sent: Thursday, December 14, 2023
3:16 PM

To: Patrick Morrissey
<pwm@morrisseylawchicago.com>;

Jason DeVore
<jdevore@devoreradunsky.com>;

Zachary Stillman
<zstillman@devoreradunsky.com>

Cc: Thomas Morrissey
<tgm@morrisseylawchicago.com>

Subject: RE: Westmoreland v. Dart, 23-cv-1851 | Defendants Cook Co and Darts
Answers to Plaintiff's First Request to
Admit

Counsel,

See attached:

1. **Cook Co Sheriff
Thomas Darts Answers
to Plaintiffs Request to
Admit**
2. **Cook County's
Answers to Plaintiffs
Request to Admit**

Troy S. Radunsky
DeVore Radunsky LLC
230 W. Monroe, Suite 230
Chicago, Illinois 60606
O: 312-300-4479 | **D:** 312-300-
4484 | **C:** 312-968-7837
[tradunsky@devoreradunsky.co](mailto:tradunsky@devoreradunsky.com)
[m](http://www.devoreradunsky.com)
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From: Patrick Morrissey
<pwm@morrisseylawchicago.com>
Sent: Wednesday, November 15, 2023
10:19 AM
To: Jason DeVore
<jdevore@devoreradunsky.com>; Troy
Radunsky
<tradunsky@devoreradunsky.com>;
Zachary Stillman
<zstillman@devoreradunsky.com>
Cc: Thomas Morrissey
<tgm@morrisseylawchicago.com>
Subject: Westmoreland v. Dart, 23-cv-
1851, First Request to Admit

Counsel:

Attached please find plaintiff's first request to admit to defendants Sheriff and Cook County.

Pat Morrissey

Patrick W. Morrissey
Thomas G. Morrissey, Ltd.
10257 S. Western Ave.
Chicago, IL 60643
773-233-7901
pwm@morrisseylawchicago.com
<http://morrisseylawchicago.com>

<Expert Observations Ramp.pdf>